

### **REMARKS**

#### **Notice of Non-Compliant Amendment**

The Notice of Non-Compliant Amendment states that the amendment document filed on July 5, 2007 is considered non-compliant for failing to provide the proper status of Claim 31. Applicants have corrected the error and resubmit the previous response in its entirety.

#### **Remarks**

The Applicant appreciatively acknowledges the Examiners' reconsideration of the previous restriction requirement and its subsequent withdrawal. Claims 1-30, which were previously withdrawn pursuant to the previous restriction requirement, are now currently pending. These claims are identified above as "previously presented."

#### **Election of Species**

An election of one of two species was requested for search purposes on page 3 of office action: "A) The nucleotidase comprising the amino acid sequence of SEQ ID NO:2 and B) The nucleotidase comprising the amino acid sequence of SEQ ID NO: 4.". In response to the election requirement, applicant hereby elects the species, A, drawn to the nucleotidase comprising the amino acid sequence of SEQ ID NO: 2. The nucleotidase component of claims 1-72 read on the nucleotidase comprising the amino acid sequence of SEQ ID NO: 2.

Applicant's election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to not more than a reasonable number of species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 466992001100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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